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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,752	09/04/2001	Mark Stewart Nichols	05222.00165	6533

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EXAMINER	
BELL, MELTIN	

ART UNIT	PAPER NUMBER
2129	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/868,752	NICHOLS, MARK STEWART	
	Examiner	Art Unit	
	Meltin Bell	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to application **09/868,752** filed 09/04/2001 as well as the Amendment filed 2/2/05. Claims 1-18 filed by the applicant have been entered and examined. An action on the merits of claims 1-18 appears below.

Priority

Acknowledgment is made of applicant's claim for priority based on application 09/221,217 filed in the United States on **12/22/98**.

Claim Rejections - 35 USC § 103

Applicant's arguments have been fully considered, but are moot in view of new grounds of rejection. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Goleh* U.S. Patent Number 5,372,507 "Machine-aided tutorial method" (December 13, 1994) in view of *Amado* USPN 5,701,400 "Method and apparatus for applying if-then-

else rules to data sets in a relational data base and generating from the results of application of said rules a database of diagnostics linked to said data sets to aid executive analysis of financial data" (December 23, 1997) and in further view of *Cook et al* W.I.P.O. International Publication Number WO 97/44766 A1 "AGENT BASED INSTRUCTION SYSTEM AND METHOD" (November 27, 1997).

Regarding claim 1:

Goleh teaches,

- (b) integrating information that motivates accomplishment of the goal for use in the presentation (Abstract, sentences 3-5, "Attaining the goal...comprising the subject"; column 1, lines 21-29, "upon facing a...to on-the-job training")

- (c) evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal (column 4, lines 65-67, "The monitor 14...matter at hand"; column 9, lines 22-32, "The tutorial then...for the student"; column 11, lines 1-12, "During this portion...the correct amounts")

- (d) managing the presentation of information around specific requirements designed to achieve the goal (Fig. 3a, items 406, 412, 416, 420)

However, *Goleh* doesn't explicitly teach receiving, by a goal based learning system, information indicative of a goal while *Amado* teaches,

- (a) receiving, by a goal based learning system, information indicative of a goal (Brief Summary Text, paragraph 58, "The Neuralyst for ..: Uses Excel macros")

Cook et al teaches,

- evaluating progress toward the goal (page 10, lines 24-31, "A further

important...student's pedagogic characteristics") further includes:

- analyzing active pieces of remediation within a concept hierarchy (page 11, lines 1-9, "Notations are augmented ... customized by teachers"; page 12, lines 3-21, "An object of ... oriented database system"; page 101, lines 33-37, "the student data...data retention and"; page 102, lines 1-13, "privacy policies, the...installing new materials"; page 133, lines 1-5, "The method according ... statistical pattern recognition")

- selecting at least one of the active pieces of remediation for delivery (page 120, lines 4-33, "Generally, agent behavior ... several instructional sessions"; Fig. 12)

- assembling the at least one of the active pieces of remediation into a cohesive unit of feedback (page 10, lines 24-31, "A further important...student's pedagogic characteristics")

- delivering the unit of feedback (page 20, lines 10-12, "in case of...or remediation materials"; page 86, Table 2B)

Motivation - The portions of the claimed method would have been a highly desirable feature in this art for coaching at institutions with deficient labor performance (*Amado*, Brief Summary Text, paragraph 176, "The invention can ... as management schools") and individualizing student instruction (*Cook et al*, Abstract, sentence 1, "This invention relates ... computer assisted instruction"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Goleh* as taught by *Amado* and *Cook et al* for the purpose of coaching and individualizing student instruction.

Regarding claim 2:

The rejection of claim 2 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 3:

The rejection of claim 3 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 3's limitations difference is taught in *Goleh*:

- the requirements include limits that prohibit access to sections of the a presentation until the goal is obtained (Abstract, A method for ... to the exited step")

Regarding claim 4:

The rejection of claim 4 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 4's limitations difference is taught in *Goleh*:

- limiting access to sections of the a presentation until appropriate prerequisites are completed (Abstract, A method for ... to the exited step")

Regarding claim 5:

The rejection of claim 5 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 5's limitations difference is taught in *Cook et al*:

- the step of providing feedback that identifies a navigation path for a student based on the goal (page 69, lines 23-35, "the designer defines...of retry outcome")

Regarding claim 6:

The rejection of claim 6 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 6's limitations difference is taught in *Cook et al*:

- utilizing a student identifier to control access to appropriate presentation material (page 32, lines 33-37, "The executive software...for this student"; page 43, lines 18-37, "5.2.4 ABI System Security ... based on a user's"; page 44, lines 1-32, "password. For example ... possible security violations"; page 99, lines 12-33, "Figs. 10A, 10B and ... past agent behaviors")

Regarding claim 7:

The rejection of claim 7 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 7's limitations difference is taught in *Cook et al*:

- each item in the presentation is assigned an identifier (page 48, lines 28-33, "To facilitate metering...elements is metered") to provide a level of granularity for restrictive access to presentation material (page 43, lines 18-37, "5.2.4 ABI System Security ... based on a user's"; page 44, lines 1-32, "password. For example ... possible security violations"; page 99, lines 12-33, "Figs. 10A, 10B and ... past agent behaviors")

Regarding claim 8:

The rejection of claim 7 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 7's limitations difference is taught in *Cook et al*:

- each activity associated with a presentation is identified to provide a level of granularity for restrictive access to the activity (page 35, lines 2-10, "before allowing downloaded ... common server systems"; page 46, lines 1-12, "If they do...caught and rejected"; page 90, lines 11-35, "this data includes...by the student"; page 102, lines 14-37, "The student data...occurring too frequently")

Regarding claim 9:

The rejection of claim 9 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 9's limitations difference is taught in *Goleh*:

- the step of storing a current location for one or more students that tracks the one or more students progress in the presentation (column 3, lines 25-51, "The present invention...available historical references")

Regarding claim 10:

Goleh teaches,

- (a) a processor (Fig. 1, item 10)

- (b) a memory that stores information under the control of the processor (Abstract, sentence 2, "The student is...a stated goal"; Abstract, sentence 6, "The student is...the exited step")

- (c) logic that receives information indicative of a goal

- (d) logic that integrates information that motivates accomplishment of the goal for use in the presentation (Abstract, sentences 3-5, "Attaining the goal...comprising the subject"; column 1, lines 21-29, "upon facing a...to on-the-job training")

- (e) logic that evaluates progress toward the goal and providing feedback that further motivates accomplishment of the goal (column 4, lines 65-67, "The monitor 14...matter at hand"; column 9, lines 22-32, "The tutorial then...for the student"; column 11, lines 1-12, "During this portion...the correct amounts")

- (f) logic that manages the presentation of information around specific requirements designed to achieve the goal (Fig. 3a, items 406, 412, 416, 420)

However, *Goleh* doesn't explicitly teach logic that receives information indicative of a goal while *Amado* teaches,

- logic that receives information indicative of a goal (Brief Summary Text, paragraph 58, "The Neuralyst for ... Uses Excel macros")

Cook et al teaches,

- logic that evaluates progress toward the goal (page 10, lines 24-31, "A further important...student's pedagogic characteristics") further comprises:

- logic that analyzes active pieces of remediation within a concept hierarchy (page 11, lines 1-9, "Notations are augmented ... customized by teachers"; page 12, lines 3-21, "An object of ... oriented database system"; page 101, lines 33-37, "the student data...data retention and"; page 102, lines 1-13, "privacy policies, the...installing new materials"; page 133, lines 1-5, "The method according ... statistical pattern recognition")

- logic that selects at least one of the active pieces of remediation for delivery (page 120, lines 4-33, "Generally, agent behavior ... several instructional sessions"; Fig. 12)

- logic that assembles the at least one of the active pieces of remediation into a cohesive unit of feedback (page 10, lines 24-31, "A further important... student's pedagogic characteristics")

- logic that delivers the cohesive unit of feedback (page 20, lines 10-12, "in case of... or remediation materials"; page 86, Table 2B)

Motivation - The portions of the claimed apparatus would have been a highly desirable feature in this art for coaching at institutions with deficient labor performance (*Amado*, Brief Summary Text, paragraph 176, "The invention can ... as management schools") and individualizing student instruction (*Cook et al*, Abstract, sentence 1, "This invention relates ... computer assisted instruction"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Goleh* as taught by *Amado* and *Cook et al* for the purpose of coaching and individualizing student instruction.

Regarding claim 11:

The rejection of claim 11 is the same as that for claim 10 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 12:

The rejection of claim 12 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 12's limitations difference is taught in *Goleh*:

- the requirements include limits that prohibit access to sections of the a presentation until the goal is obtained (Abstract, A method for ... to the exited step")

Regarding claim 13:

The rejection of claim 13 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 13's limitations difference is taught in *Goleh*:

- limiting access to sections of the a presentation until appropriate prerequisites are completed (Abstract, A method for ... to the exited step")

Regarding claim 14:

The rejection of claim 14 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 14's limitations difference is taught in *Cook et al*:

- logic that provides feedback that identifies a navigation path for a student based on the goal (page 69, lines 23-35, "the designer defines...of retry outcome")

Regarding claim 15:

The rejection of claim 15 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 15's limitations difference is taught in *Cook et al*:

- logic that utilizes a student identifier to control access to appropriate presentation material (page 32, lines 33-37, "The executive software...for this student"; page 43, lines 18-37, "5.2.4 ABI System Security ... based on a user's"; page 44, lines 1-32, "password. For example ... possible security violations"; page 99, lines 12-33, "Figs. 10A, 10B and ... past agent behaviors")

Regarding claim 16:

The rejection of claim 16 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 16's limitations difference is taught in *Cook et al*:

- each item in the presentation is assigned an identifier (page 48, lines 28-33, "To facilitate metering...elements is metered") to provide a level of granularity for restrictive access to presentation material (page 43, lines 18-37, "5.2.4 ABI System Security ... based on a user's"; page 44, lines 1-32, "password. For example ... possible security violations"; page 99, lines 12-33, "Figs. 10A, 10B and ... past agent behaviors")

Regarding claim 17:

The rejection of claim 14 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 14's limitations difference is taught in *Cook et al*:

- each activity associated with a presentation is identified to provide a level of granularity for restrictive access to the activity (page 35, lines 2-10, "before allowing downloaded ... common server systems"; page 46, lines 1-12, "If they do...caught and rejected"; page 90, lines 11-35, "this data includes...by the student"; page 102, lines 14-37, "The student data...occurring too frequently")

Regarding claim 18:

The rejection of claim 18 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 18's limitations difference is taught in *Goleh*:

- logic that stores a current location for one or more students that tracks the one or more students progress in the presentation (column 3, lines 25-51, "The present invention...available historical references")

RESPONSE TO APPLICANTS' AMENDMENT REMARKS

Applicant argues that a list of the certified copies not received in support of the application's priority under 35 USC 119 was not detailed in the prior Office Action and that the title has been amended to "A Goal Based Flow of a Control Presentation System" (Amendment REMARKS page 5, paragraphs 3-4). The absent list means the necessary certified documents have been received as was the amendment to the title.

Claim Rejections - 35 USC § 103

Applicant argues that *Hayes et al* USPN 5,170,464 does not teach or suggest receiving by a goal based learning system, that *Goleh* USPN 5,372,507 and *Hayes et al* do not teach or even suggest analyzing active pieces of remediation within a concept hierarchy, selecting at least one of the active pieces of remediation for delivery, assembling the at least one of the active pieces of remediation into a cohesive unit of feedback and delivering the unit of feedback (Amendment REMARKS page 6, paragraph 1) and that *Cook et al* WO 97/44766 does not make up for the deficiencies of *Goleh* and *Hayes et al* (Amendment REMARKS page 6, paragraph 3). Applicant's arguments have been fully considered, but are moot in view of new grounds of rejection.

The examiner agrees that *Hayes et al* does not teach receiving by a goal based learning system information indicative of a goal and that *Goleh* and *Hayes et al* do not teach analyzing active pieces of remediation within a concept hierarchy, selecting at least one of the active pieces of remediation for delivery, assembling the at least one of the active pieces of remediation into a cohesive unit of feedback and delivering the unit

of feedback. However, receiving by a goal based learning system information indicative of a goal is taught in the Brief Summary Text, paragraph 58 of *Amado* USPN 5,701,400 while *Cook et al* page 10, lines 24-31, page 11, lines 1-9, page 12, lines 3-21, page 101, lines 33-37, page 102, lines 1-13, page 133, lines 1-5, page 120, lines 4-33, Fig. 12, page 20, lines 10-12, and page 86, Table 2B is also cited individually and in combination with *Goleh* for explicitly and inherently disclosing analyzing active pieces of remediation within a concept hierarchy, selecting at least one of the active pieces of remediation for delivery, assembling the at least one of the active pieces of remediation into a cohesive unit of feedback and delivering the unit of feedback. Further, the purpose and motivation for modifying *Goleh* as taught by other references include coaching (*Amado*, Brief Summary Text, paragraph 176) and individualizing student instruction (*Cook et al*, Abstract, sentence 1).

As set forth above with regards to *Goleh*, *Cook et al* and *Amado*, the items listed explicitly and inherently teach each element of the applicants' claimed limitations. Applicants have not set forth any distinction or offered any dispute between the claims of the subject application, *Goleh*'s Machine-aided tutorial method, *Cook et al*'s AGENT BASED INSTRUCTION SYSTEM AND METHOD and *Amado*'s Method and apparatus for applying if-then-else rules to data sets in a relational data base and generating from the results of application of said rules a database of diagnostics linked to said data sets to aid executive analysis of financial data.

Conclusion

The prior art made of record is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Office should be directed to Meltin Bell whose telephone number is 571-272-3680. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:30 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anthony Knight, can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB/
April 5, 2005

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